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COMPANY: U.S. Patent Office

DATE: April 8, 2005

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NO. OF PAGES
(INCLUDING COVER SHEET): 4

SUBJECT/MESSAGE:

Re: Serial No. 09/772,280; filed January 29, 2001
Attorney Docket No. G-069US02CIP

1. Application for Patent Term Adjustment Under 37 CFR 1.705(b)

SPECIAL PROCESSING SUBMISSION

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

April 8, 2005

Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 CFR §1.705(b)
Examining Group 1637
Patent Application
Docket No. G-069US02CIP
Serial No. 09/772,280

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U.S. PATENT AND TRADEMARK OFFICE
APR 08 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Joyce Tung
 Art Unit : 1637
 Applicants : Yves Fouillet *et al.*
 Serial No. : 09/772,280
 Filed : January 29, 2001
 For : Method for Carrying out a Biochemical Protocol in Continuous Flow in a Microreactor

Mail Stop Patent Ext.
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313

APPLICATION FOR PATENT ADJUSTMENT
UNDER 37 CFR §1.705(b)

Sir:

Applicant's believe that this application is entitled to patent term adjustment under 35 U.S.C. 154(B)(iii) (Guarantee of no more than 3-Year application pendency). The pertinent facts in this case are as follows:

The subject application was filed on January 29, 2001. Therefore, a first action under 35 U.S.C. §102 was due by March 29, 2002. The first Action received in this application was a telephonic restriction requirement from the Examiner on April 24, 2002, which constituted a delay of 26 days on the part of the U.S. Patent Office. Applicants made a telephonic election on April 25, 2002.

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A subsequent first Office Action dated June 20, 2002, was received in the subject application. Applicants filed a response to the first Office Action via facsimile on December 16, 2002, with a three-month extension of time. This constituted an 86 day applicant delay.

A final Office Action dated February 26, 2003 was received in the subject application.

Applicants filed a response to this Office Action on June 26, 2003, with a one month extension of time. This constituted a 31 day applicant delay.

The undersigned applicants' representative conducted a telephonic conference with the Examiner. Proposed claim amendments were then prepared and transmitted to the Examiner for consideration.

Applicants subsequently received a non-final third Office Action dated August 20, 2003, which set a statutory period for reply of 3 months. Upon review of the Office Action, applicants determined that the Examiner had set forth new grounds for rejection of the claims. Therefore, a formal response was required to the Office Action.

On December 22, 2003, applicants filed a response to the third Office Action with a one month extension of time. This constituted a 32 day applicant delay.

A further non-final Office Action dated April 5, 2004 was received in the subject application. The Office Action set a statutory period for reply of three months. Upon receipt of this Office Action, the application had already been in prosecution for over 3 years.

Applicants filed a response to the Office Action on October 5, 2004, with a three-month extension of time. This constituted an applicant delay of 92 days.

A Notice of Allowance dated January 10, 2005 was subsequently received in the application. This constituted a delay of 5 days by the U.S. Patent Office.

Upon receipt of the Notice of Allowance, the application had been in prosecution for over 4 years, which constitutes a further delay of 437 days on the part of the Patent Office.

The total applicant delay in this application is 241 days.

The total U.S. Patent Office delay in this application is 468 days.

The applicants respectfully submit that they are entitled to 227 days of Patent Term Adjustment (468 days of Patent Office delay reduced by 241 days of applicants' delay, as outlined above).

Applicants respectfully submit that this adjustment could be substantially increased owing to the fact that it could be an additional several months before a patent actually issues in this application.

Please charge the fee of \$200 for this Application for Patent Term Adjustment to Deposit Account No. 19-0065. Any additional fees as required by 37 CFR §§1.16 or 1.17 should be charged to Deposit Account No. 19-0065. Two additional copies of this Application are enclosed.

Respectfully submitted,



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